

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America

v.

Ellery Brent Yazzie
(Year of Birth:1987))
)
)
)
)
)
)

Case No. 24MJ63

Defendant(s)

FILED

United States District Court
Albuquerque, New MexicoMitchell R. Elfers
Clerk of Court

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 22, 2023 in the county of McKinley in the
District of New Mexico, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 USC §1153	Offenses committed within Indian Country
18 USC §1111	Murder
18 USC §113(a)(3)	Assault with a Dangerous Weapon
18 USC §113(a)(6)	Assault Resulting in Serious Bodily Injury
18 USC §924(c)(1)(A)(iii)	Using and Carrying a Firearm During and in Relation to a Crime of Violence, Discharge

This criminal complaint is based on these facts:

See attached affidavit.

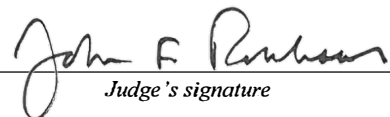
☒ Continued on the attached sheet.

Complainant's signature

Mark J. Stephenson, Special Agent

Printed name and title

Electronically submitted and telephonically sworn.

Date: January 18, 2024City and state: Albuquerque, New Mexico

Judge's signature

John F. Robbenhaar, U.S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

United States of America

v.

Ellery Brent Yazzie
(Year of Birth:1987)

Case No.

AFFIDAVIT IN SUPPORT OF
CRIMINAL COMPLAINT

I, Mark J. Stephenson, being duly sworn, state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. This affidavit is made in support of a Criminal Complaint and an application for an Arrest Warrant for ELLERY BRENT YAZZIE (“YAZZIE”), year of birth (“YOB”) 1987.

2. I am a Special Agent with the Federal Bureau of Investigation (“FBI”) and have been so employed since July 2017. I am currently assigned to the Albuquerque Field Office, Gallup Resident Agency. My primary duties as a Special Agent with the FBI include investigating crimes occurring in Indian Country which include primarily investigating violent crimes that involve murder, manslaughter, assault, sexual assault, drug related crimes, firearm related crimes, and child sexual abuse. I have gained experience in the conduct of such investigations through previous case investigations, formal training, and in consultation with law enforcement partners in local, state, tribal and federal law enforcement agencies. As a Federal Agent, I am authorized to investigate violations of the laws of the United States and have authority to execute arrest and search warrants issued under the authority of the United States.

3. This affidavit is based upon my personal knowledge, and upon information reported to me by other federal, state, tribal and local law enforcement officers during the course of their official duties, all of whom I believe to be truthful and reliable. Throughout this affidavit,

reference will be made to law enforcement officers. Law enforcement officers are those federal, state, and local law enforcement officers who have directly participated in this investigation, and with whom I have had regular contact regarding this investigation. This affidavit is also based upon information gained from interviews with witnesses, whose reliability is established separately herein.

4. Based on my training, experience, and the facts set forth in this affidavit, I believe there is probable cause that violations of Title 18 U.S.C. §1153, Offenses committed within Indian Country; Title 18 U.S.C. §1111, Murder; Title 18 U.S.C. §113(a)(3), Assault with a Dangerous Weapon; Title 18 U.S.C. §113(a)(6), Assault Resulting in Serious Bodily Injury; and Title 18 U.S.C. §924(c)(1)(A)(iii), Using and Carrying a Firearm During and in Relation to a Crime of Violence, Discharge were committed by YAZZIE.

5. Because this affidavit is submitted for the limited purpose of securing authorization for a Criminal Complaint and Arrest Warrant, I have not included each and every fact known to me concerning this investigation. This affidavit is only intended to show that there is sufficient probable cause for the requested warrant.

PROBABLE CAUSE

6. On the morning of December 22, 2023, investigators from the FBI Gallup Resident Agency were alerted by Ramah Navajo Police Department (“RNPD”) criminal investigators of a death investigation at the residence of 50A, BIA Route 176, Pinehill, NM. According to investigators, at approximately 6:44 AM that morning, RNPD received an emergency call from B.Y. (“Witness 1”), YOB 1966, who stated that one of her sons shot her husband, her other son, and her daughter. Officers from RNPD and the Cibola County Sheriff’s Office knocked and announced at the residence, and then made entry to the residence. Officers observed two deceased

males and one other male that was alive with an apparent self-inflicted gunshot wound to the head. Investigators later identified E.Y.1 ("John Doe 1"), YOB 1960, and E.Y.2 ("John Doe 2"), YOB 1990, were deceased from apparent gunshot wounds. The individual with the apparent self-inflicted gunshot wound to the head, identified as YAZZIE, was detained, and officers subsequently seized a 9mm semiautomatic handgun from his person. YAZZIE was transported to Gallup Indian Medical Center, Gallup, NM, and then transported by flight to University of New Mexico ("UNMH"), Albuquerque, NM. Hospital staff at UNMH later found an unspent, 9mm cartridge in YAZZIE's pocket. The unspent 9mm cartridge was seized by FBI investigators and placed into evidence.

7. Following the contact for emergency services, investigators learned that Witness 1 began to drive her daughter, M.Y. ("Jane Doe"), YOB 1996, to a hospital. Also in the vehicle was K.L. ("Witness 2"), YOB 1941. Witness 1 linked up with an enroute ambulance, and Jane Doe was then transported alone by ambulance to Zuni Hospital, Zuni, NM.

8. On December 22, 2023, I interviewed Jane Doe at Zuni Hospital. Jane Doe stated that YAZZIE got into an argument with his immediate family members Witness 1, John Doe 1, John Doe 2, and Jane Doe, and without any physical altercation or provocation, YAZZIE pulled out a handgun and began shooting. YAZZIE shot John Doe 1, John Doe 2, and Jane Doe. YAZZIE shot Jane Doe approximately 6 times. Jane Doe described her current pain level as an 8 out of 10, and when hospital staff would move her body, she described her current pain level as 10 out of 10. I observed a minimum of 4 gunshot wounds, 3 gunshot wounds in Jane Doe's lower right abdomen, and 1 gunshot wound that appeared as though the bullet passed through her left leg and lodged into her right leg.

9. On December 22, 2023, Jane Doe's physician at Zuni Hospital, "A.J.," advised me that Jane Doe sustained life-threatening injuries and would have died without timely medical care for her injuries.

10. On December 22, 2023, an oral search warrant was obtained in the District of New Mexico to search the residence. The search was completed by the FBI Albuquerque Evidence Response Team. Among other items collected and seized was a second 9mm handgun in the kitchen near where YAZZIE was detained and where John Doe 1 and John Doe 2 were lying.

11. On December 22, 2023, I interviewed Witness 1, YAZZIE's mother, at the exterior of the residence in Pinehill, NM. Witness 1 stated that on this morning she woke up at approximately 6:00 AM to start the wood stove for the house. YAZZIE came downstairs from his bedroom and got into a verbal argument with her. John Doe 1, John Doe 2, and Jane Doe walked into the kitchen, and observed YAZZIE saying derogatory words to his mother, Witness 1. As the verbal argument continued with all parties, YAZZIE pulled out a handgun and shot John Doe 1 and John Doe 2. Witness 1 fell to the ground and pretended to be shot. YAZZIE then shot Jane Doe. As Witness 1 laid on the ground, YAZZIE fired approximately 4 gunshots at Witness 1 but did not hit her. Witness 1 stated that YAZZIE was the only person she observed pull out a firearm, and she watched John Doe 1 and John Doe 2 fall to the ground from getting shot. Further, Witness 1 stated that YAZZIE had told his immediate family members in the past, "I'm going to kill all of you" while holding a firearm. The most recent time YAZZIE pulled out a handgun and threatened to kill members of his family was approximately one month before this interview. Further, Witness 1 stated that only YAZZIE possessed and shot a firearm during the argument.

12. On December 22, 2023, I interviewed Witness 2, YAZZIE's grandfather, at the exterior of the residence in Pinehill, NM. During the incident that morning, Witness 2 was on the

couch lying down and could see into the kitchen where the verbal altercation occurred. Witness 2 observed YAZZIE shooting a handgun from his side and directly down into the kitchen floor where John Doe 1 and John Doe 2 lay. Witness 2 later saw YAZZIE point his firearm in a way that appeared to Witness 2 like YAZZIE was scanning or looking for additional people to shoot. Witness 2 did not think YAZZIE could see Witness 2. Witness 2 saw YAZZIE try to fire the gun, but it clicked. Witness 2 saw YAZZIE go upstairs to retrieve more ammunition, return downstairs, and then shoot himself in the head. Further, investigators discovered unspent 9mm ammunition cartridges upstairs in the room that belonged to YAZZIE.

13. During the course of the investigation, investigators determined YAZZIE shot himself in the kitchen in the same approximate location where officers detained YAZZIE and discovered a handgun on him. Further, YAZZIE shot himself in proximity to where officers found John Doe 1 and John Doe 2 and in proximity to another handgun. Both handguns recovered were 9mm semiautomatic handguns.

14. On January 9, 2023, according to a trace request through the Bureau of Alcohol, Tobacco, Firearms and Explosives, I learned that both 9mm handguns seized were last purchased by YAZZIE.

15. RNPd advised me that the residence of 50A, BIA Route 176, Pinchill, NM, is located within the exterior boundaries of the Navajo Nation, and is Indian Country as defined by federal law.

16. YAZZIE, John Doe 1, John Doe 2, and Jane Doe are enrolled members of the Navajo Nation.

CONCLUSION

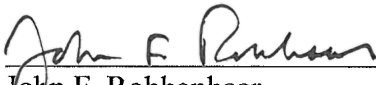
17. Based on my training, experience, and the facts set forth in this affidavit, I believe there is probable cause that violations of Title 18 U.S.C. §1153, Offenses committed within Indian Country; Title 18 U.S.C. §1111, Murder; Title 18 U.S.C. §113(a)(3), Assault with a Dangerous Weapon; Title 18 U.S.C. §113(a)(6), Assault Resulting in Serious Bodily Injury; and Title 18 U.S.C. §924(c)(1)(A)(iii), Using and Carrying a Firearm During and in Relation to a Crime of Violence, Discharge, were committed by YAZZIE in the District of New Mexico.

18. Supervisory Assistant United States Attorney Jena H. Ritchey reviewed and approved this affidavit and criminal complaint.

Respectfully Submitted,


Special Agent Mark J. Stephenson
Federal Bureau of Investigation

Sworn telephonically and signed by electronic means this 18th day of January, 2024.


John F. Robbenhaar
United States Magistrate Judge